

**STATE OF SOUTH CAROLINA**South Carolina Electric & Gas Company's Annual  
Request for Revised Rates**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA****COVER SHEET****DOCKET****NUMBER: 2012 - 186 - E**

(Please type or print)

**Submitted by:** K. Chad Burgess**SC Bar Number:** 69456**Address:** SCANA Corp.  
220 Operation Way, MC-C222  
Cayce, SC 29033**Telephone:** 803-217-8141**Fax:** 803-217-7931**Other:** \_\_\_\_\_**Email:** chad.burgess@scana.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)☐ **Emergency Relief demanded in petition**      ☐ **Request for item to be placed on Commission's Agenda expeditiously**☐ **Other:** \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input checked="" type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	



K. Chad Burgess  
Associate General Counsel

[chad.burgess@scana.com](mailto:chad.burgess@scana.com)

July 19, 2012

**VIA ELECTRONIC FILING**

The Honorable Jocelyn G. Boyd  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29210

RE: South Carolina Electric & Gas Company's Annual Request for Revised Rates  
Docket No. 2012-186-E

Dear Ms. Boyd:

Enclosed for filing is South Carolina Electric & Gas Company's Return in Opposition and Objection to the Petition to Intervene of Mr. Joseph Wojcicki in the above-referenced docket.

By copy of this letter, we are also serving Mr. Wojcicki and counsel for the South Carolina Office of Regulatory Staff with a copy of the enclosed document and attach a certificate of service to that effect.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

K. Chad Burgess

KCB/mcs

Enclosures

cc: Joseph Wojcicki  
John W. Flitter  
Jeffrey M. Nelson, Esquire  
Shannon Bowyer Hudson, Esquire  
(all via U.S. First Class Mail)

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2012-186-E**

**IN RE:**

South Carolina Electric & Gas	)	
Company's Annual Request for	)	<b>RETURN IN OPPOSITION</b>
Revised Rates.	)	<b>AND OBJECTION OF SCE&amp;G</b>
_____	)	

**RETURN IN OPPOSITION AND OBJECTION OF**  
**SOUTH CAROLINA ELECTRIC & GAS COMPANY**  
**TO PETITION TO INTERVENE OF**  
**JOSEPH WOJCICKI**

South Carolina Electric & Gas Company ("SCE&G" or "Company") hereby files with the Public Service Commission of South Carolina ("Commission") this Return in Opposition and Objection to the Petition to Intervene of Mr. Joseph Wojcicki served upon counsel for SCE&G on July 9, 2012, in the above-captioned matter. For the reasons set forth herein, SCE&G respectfully requests that the Commission deny Mr. Wojcicki's request to intervene in this docket.

**ARGUMENT**

**The Commission should deny the Petition to Intervene because Mr. Wojcicki lacks the requisite standing to participate in this proceeding.**

The grant or denial of a petition to intervene is within the sound discretion of the Commission. However, such discretion is bounded by guiding principles and factors. One such principle is that a party generally must have standing to

intervene. See *Ex Parte Gov't Employee's Ins. Co.*, 373 S.C. 132, 644 S.E.2d 699 (2007). To have standing, a party must have a personal stake in the subject matter of the proceeding. See *Duke Power Co. v. South Carolina Pub. Serv. Comm'n*, 284 S.C. 81, 326 S.E.2d 395 (1985) (stating that a party must have a "personal stake" in the subject matter of the proceeding). Under South Carolina law, the party asserting standing must show an actual or likely "invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical." *Smiley v. S.C. Dept. of Health & Envtl. Control*, 374 S.C. 326, 329, 649 S.E.2d 31, 32-33 (2007) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-561, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992)) (internal quotations and citations omitted); *Sea Pines Ass'n for the Protection of Wildlife, Inc. v. S.C. Dep't of Natural Resources*, 345 S.C. 594, 550 S.E.2d 287 (2001). The person asserting standing "must be affected in a personal and individualized way by the [regulatory] decision." *Smiley*, 374 S.C. at 330, 649 S.E.2d at 33 (quoting *Lujan*, supra). The "imminent prejudice must be of a personal nature to the party laying claim to standing and not merely of general interest common to all members of the public." *Sea Pines Ass'n*, 345 S.C. at 600, 550 S.E.2d at 291.

In Docket No. 2009-498-E styled as "Application of South Carolina Electric & Gas Company for Increase and Adjustments in Electric Rate Schedules and Tariffs," the Commission acknowledged the legal precedent established in *Ex Parte Gov't Employee's Ins. Co.* and *Duke Power Co. v. South Carolina Pub. Serv. Comm'n*,

applied the law established in those cases, and ruled that Mr. Wojcicki lacked the requisite standing to intervene in Docket No. 2009-489-E. *See* Order No. 2010-221.

In Docket No. 2012-203-E, Mr. Wojcicki sought to intervene in another SCE&G proceeding. By Order No. 2012-495 dated July 17, 2012, the Commission ruled that Mr. Wojcicki's Petition failed to meet the legal standards for a Petition to Intervene in South Carolina. Accordingly, the Commission denied his request to intervene.

Mr. Wojcicki did not possess the personal stake necessary to intervene in Docket No. 2009-489-E or Docket No. 2012-203-E, and nothing has changed since the rulings issued by the Commission in those dockets to warrant a different outcome in this proceeding. In other words, the Commission should deny Mr. Wojcicki's request to intervene in the instant docket.

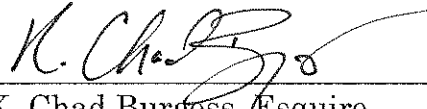
According to SCE&G's customer service records, the Company does not provide electric service to Mr. Wojcicki. *See* attached Exhibit A (Affidavit of Marsha H. Klatt). Simply stated, Mr. Wojcicki is not an electric customer of SCE&G and he admits this fact in his Petition to Intervene by stating, "I am not a SCE&G customer . . . ." *See* Petition to Intervene ¶2. Because Mr. Wojcicki is not an SCE&G customer, he does not possess the requisite standing to be a party of record in this docket. *Cf. Duke Power Co. v. South Carolina Pub. Serv. Comm'n*, 284 S.C. 81, 326 S.E.2d 395 (1985) (holding that the actual ratepayers lacked standing because their asserted interests were "too contingent, hypothetical, and improbable to support standing to attack the . . . practices of the Public Service Commission").

Moreover, Mr. Wojcicki's assertion that (i) he lives "less than 25 mile air distance from Jenkinsville location of SCE&G Nuclear Generation Station/Facility," (ii) he has a "financial interest . . . in the shareholdings in SCANA Corporation," and (iii) his "payments indirectly cover reported investment of \$474,923,000 on 2012-6-30 for Unit n2 and 3 in Jenkinsville" does not constitute a "personal stake" thereby elevating him to the status of an intervenor. *Id.* Furthermore, his claim of "representing 'a good knowledge for Nuclear Renaissance' in Energy Utilization, Electric Grid Topology, Safety Systems . . . also does not constitute a "personal stake" in this matter. *See Anchor Point, Inc. v. Shoals Sewer Co.*, 308 S.C. 422, 418 S.E.2d 546 (1992) (a real party in interest is one who has a real, material, or substantial interest in the subject matter of the action, as opposed to one who has only a nominal or technical interest in the action).

Based on the foregoing, Mr. Wojcicki has failed to meet the threshold required to qualify as an intervenor in this proceeding, and his Petition to Intervene must be denied. Therefore, SCE&G respectfully requests that the Commission deny the Petition to Intervene.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. Chad Burgess", is written over a horizontal line.

K. Chad Burgess, Esquire  
Matthew Gissendanner, Esquire  
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220 Operation Way  
Cayce, SC 29033-3701  
Telephone: 803-217-8141  
Facsimile: 803-217-7931  
chad.burgess@scana.com  
matthew.gissendanner@scana.com

Attorneys for  
South Carolina Electric & Gas Company

Cayce, South Carolina  
July 19, 2012

# Exhibit A

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2012-186-E

IN RE:

South Carolina Electric & Gas  
Company's Annual Request for  
Revised Rates.

)  
)  
)  
)  
**AFFIDAVIT OF  
MARSHA H. KLATT**

Personally appeared before me Marsha H. Klatt who, having first been duly sworn,  
deposes and states as follows:

1. My name is Marsha H. Klatt and I am a Senior Analyst for South Carolina  
Electric & Gas Company ("SCE&G" or "Company").

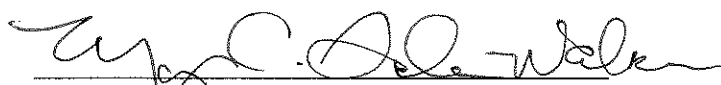
2. This affidavit is based upon my personal knowledge and review of documents  
received and maintained in the ordinary course of business by SCE&G. I am familiar with the  
records of SCE&G that pertain to its customers.

3. I conducted a search of the Company's records and determined that Mr. Joseph  
Wojcicki is not an electric customer of SCE&G.

FURTHER AFFIANT SAYETH NOT.

  
Marsha H. Klatt

Sworn to and subscribed before me  
this 19th day of July, 2012

  
Notary Public for South Carolina  
My Commission Expires: 5/30/2017



**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**DOCKET NO. 2012 - 186 - E**

**IN RE:**

South Carolina Electric & Gas Company's )  
Annual Request for Revised Rates )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one (1) copy of South Carolina Electric & Gas Company's **Return in Opposition and Objection to the Petition to Intervene of Joseph Wojcicki** via U.S. First Class Mail to the persons named below at the addresses set forth:

Joseph Wojcicki  
820 East Steel Road  
West Columbia, SC 29170

Shannon Bowyer Hudson, Esquire  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

Jeffrey M. Nelson, Esquire  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

John W. Flitter  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201

  
\_\_\_\_\_  
Mary C. Salane-Walker

Cayce, South Carolina  
This 19<sup>th</sup> day of July, 2012